

### **REMARKS/ARGUMENTS**

Applicant would like to thank the Examiner for the careful consideration given the present application. Reconsideration of the subject patent application in view of the present remarks is respectfully requested.

Claims 1 and 12 are amended.

Claims 18-20 have currently been cancelled.

#### ***Claim Rejections - 35 USC § 112***

Claim 20 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claim 20 has been cancelled. Thus, the rejection as it applies to claim 20 should be withdrawn.

#### ***Claim Rejections - 35 USC § 103***

Claims 1, 3, 11-14 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCammon et al (US 4,556,772; hereinafter "McCammon") in view of JP 63174296A, Benveniste et al (US 6,759,665; hereinafter "Benveniste") and Yoshimura et al (JP 54048348A; hereinafter "Yoshimura"). Applicants respectfully request withdrawal of the rejection for at least the following reasons.

Claims 18-19 have been cancelled. Thus, the rejection as it applies to claims 18-19 should be withdrawn.

Regarding the amended claim 1, none of McCammon, JP 63174296A, Benveniste and Yoshimura, alone or in combination, discloses, teaches or renders foreseeable that the opening area of the electricity feeding port at a position proximate to the center of the ceiling wall reaches the end portion of the upper waveguide and a corner of the upper waveguide, and the opening area of the electricity feeding port at a position remote from the center of the ceiling wall reaches the end portion of the upper waveguide and does not reach the rear waveguide wall.

McCammon does not disclose the above feature, as admitted by the examiner in the Office action which states that McCammon does not disclose a plurality of feeding ports.

The Office action states that JP 63174296A discloses the opening area of the electricity feeding port (G, Figure below) at a position proximate to the center (X, Figure below) of the ceiling wall reaches one end of the upper waveguide (19). However, as shown in Figure 4 of JP 63174296A, the opening area of the electricity feeding port (G) does not reach the end portion (i.e., the left end of the waveguide (19)) opposed to the upper end of the side waveguide. Also, the opening area of the electricity feeding port (G) does not reach a corner of the waveguide (19). The Office action also states that JP 63174296A discloses the opening area of the electricity feeding port (E) at a position remote from the center (X, Figure below) of the ceiling wall does not reach the rear waveguide wall (see, Figure 6). However, the opening area of the electricity feeding port (E) does not reach the end portion, but reaches the rear waveguide wall (i.e., the upper line of the waveguide (19)). In addition, Figure 6 of JP 63174296A shows only one electricity feeding port (5). The electricity feeding port (5) is not at a position remote from the center of the ceiling wall, but crosses the center of the ceiling wall. Also, the electricity feeding port (5) does not reach the end portion of the upper waveguide (3). Thus, the arrangement of the

opening areas of the electricity feeding ports disclosed in JP 63174296A is completely different from the arrangement of those of the claim 1 invention.

Benveniste is silent about the above feature of the claim 1 invention. Benveniste is merely cited for the distance between an antenna of the magnetron and a center of the opening area of each of the electricity feeding port, and fails to disclose the specific arrangement of the opening areas of the electricity feeding ports in the claim 1 invention.

Yoshimura is silent about the above feature of the claim 1 invention. Yoshimura is merely cited for the inclined face formed at a connecting portion between the upper waveguide and the side waveguide, and fails to the specific arrangement of the opening areas of the electricity feeding ports in the claim 1 invention. As shown in Figure 3 of Yoshimura, only one feeding port (6) is provided in the waveguide (2).

Therefore, the asserted combination of McCammon, JP 63174296A, Benveniste and Yoshimura does not render claim 1 obvious. Thus, withdrawal of the rejection as it applies to claim 1 is respectfully requested.

Similar arguments apply to claim 12. The other rejected claims are dependent from either claims 1 or 12, and therefore the same argument will apply to these claims.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCammon in view of JP 63174296A, Benveniste and Yoshimura, and further in view of JP 62100982A or Smith (US 3,210,511). Applicants respectfully request withdrawal of the rejection for at least the following reasons.

Claim 2 is dependent from claim 1. Thus, all of the limitations of claim 1 are included in claim 2. For the same reason as claim 1, claim 2 should be allowable. JP 62100982A or Smith is merely cited for the arrangement of the antenna.

Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCammon in view of JP 63174296A, Benveniste and Yoshimura, and further in view of McFadden (US 2004/0216732). Applicants respectfully request withdrawal of the rejection for at least the following reasons.

Claims 8 and 11 are dependent from claim 1. Thus, all of the limitations of claim 1 are included in claims 8 and 11. For the same reason as claim 1, claims 8 and 11 should be allowable.

In addition, regarding claim 8, none of McCammon, JP 63174296A, Benveniste, Yoshimura and McFadden, alone or in combination, discloses, teaches or renders foreseeable that a center axis of the heating member is constituted to be more proximate to a line equally dividing the ceiling wall into two in a front and rear direction than a center axis line in a width direction of the upper wave guide arranged at the ceiling wall. McCammon, Benveniste and Yoshimura are silent about the heating member. The Office action states that McFadden disclosed a heating member (14a-b) in a linear shape is attached to the ceiling wall (Figures 6-7). However, McFadden fails to disclose the location of the heating member (14a-b) in relation to the center axis line in a width direction of the upper wave guide arranged at the ceiling wall, since no waveguide is arranged at the ceiling wall of McFadden. The waveguides 20a and 20b of McFadden are not arranged at the ceiling wall. JP 63174296A does not disclose the above feature of claim 8, since JP 63174296A is silent about the location of the heating member in

relation to the line equally dividing the ceiling wall into two in a front and rear direction and the center axis line in a width direction of the upper wave guide.

Also, regarding claim 11, none of McCammon, JP 63174296A, Benveniste, Yoshimura and McFadden, alone or in combination, discloses, teaches or renders foreseeable that the heating member is positioned such that a horizontal centerline of the heating member is located above the opening areas of the plurality of feeding ports. McCammon, Benveniste and Yoshimura are silent about the heating member. The Office action states that McFadden disclosed a heating member (14a-b) in a linear shape is attached to the ceiling wall (Figures 6-7). However, McFadden fails to disclose the location of the heating member (14a-b) in relation to the opening areas of the plurality of feeding ports, since no feeding port is arranged at the ceiling wall of McFadden. In McFadden, the waveguides 20a and 20b with the feeding ports are not arranged at the ceiling wall. JP 63174296A does not disclose the above feature of claim 11, since the heating member (18) is not located above the opening areas of the plurality of feeding ports (17, 17), but below the opening areas of the plurality of feeding ports (17, 17), according to Figure 2 of JP 63174296A.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCammon in view of JP 63174296A, Benveniste and Yoshimura, and further in view of Noda et al (JP05074568a; hereinafter "Noda"). Applicants respectfully request withdrawal of the rejection for at least the following reasons.

Claim 9 is dependent from claim 1. Thus, all of the limitations of claim 1 are included in claim 9. For the same reason as claim 1, claim 9 should be allowable. Noda is merely cited for the inclination of the heating member.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCammon in view of JP 63174296A, Benveniste and Yoshimura, and further in view of DeRemer (US 4,307,285). Applicants respectfully request withdrawal of the rejection for at least the following reasons.

Claim 15 is dependent from claim 1. Thus, all of the limitations of claim 1 are included in claim 15. For the same reason as claim 1, claim 15 should be allowable. DeRemer is merely cited for the arrangement of the heating member in a recessed portion of the ceiling wall of the heating chamber.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over McCammon in view of JP 63174296A, Benveniste and Yoshimura, and further in view of Miller (US 4,463,239). Applicants respectfully request withdrawal of the rejection for at least the following reasons.

Claim 17 is dependent from claim 12. Thus, all of the limitations of claim 12 are included in claim 17. For the same reason as claim 12, claim 17 should be allowable. Miller is merely cited for the width of the waveguide.

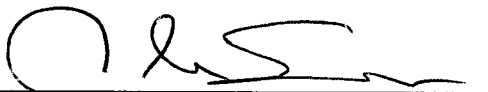
In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 10/539,109  
Amdt. Dated: December 2, 2010  
Reply to Office action of June 3, 2010

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No.: 38340.

Respectfully submitted,

PEARNE & GORDON LLP

By:   
Nobuhiko Sukenaga, Reg. No. 39446

1801 East 9th Street  
Suite 1200  
Cleveland, Ohio 44114-3108  
(216) 579-1700

Date: December 2, 2010